

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 15, 2005 (the “Office Action”). Claims 1-9 and 11-20 are pending in the Application and stand rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1-9, 11, 13-17, 19, and 20 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,654,564 to Colbourne, et al. (“*Colbourne*”) in view of U.S. Patent Application Publication No. 2002/0003646 to Ishikawa (“*Ishikawa*”). The Examiner also rejects Claims 12 and 18 under 35 U.S.C. § 103(a) as unpatentable over *Colbourne* in view of *Ishikawa* as applied to Claims 1-9, 11, 13-17, 19, and 20 above, and further in view of U.S. Patent Application Publication No. 2003/0031433 to Feinberg (“*Feinberg*”). Therefore, all current rejections rely on some combination of references with *Ishikawa*.

Ishikawa is assigned to Fujitsu Limited. The present application is assigned to Fujitsu Network Communications, which is a subsidiary of Fujitsu Limited. 35 U.S.C. § 103(c) provides that:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The publication date of *Ishikawa* is January 10, 2002, and the filing date of the present application is January 7, 2002. Therefore, Applicant respectfully submits that *Ishikawa* may not be used in combination under 35 U.S.C. § 103 to reject the claims of the present application. As all current rejections rely on *Ishikawa*, Applicant thus respectfully requests reconsideration and favorable action in this case.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned Attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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